

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
WELL-COM ASSOCIATES, L.P.,)	
)	
Plaintiff,)	
)	
v.)	Docket Number 05-10056-JLT
)	
HONEYWELL INTERNATIONAL, INC.,)	
)	
Defendant.)	
_____)	

JOINT STATEMENT OF THE PARTIES

Pursuant to the Notice of Scheduling Conference dated May 27, 2005, Rule 16(b) of the Federal Rules of Civil Procedure and Local Rule 16.1(D), counsel for the plaintiff, Well-Com Associates, L.P. ("Well-Com"), and counsel for the defendant, Honeywell International, Inc. ("Honeywell"), have conferred and submit the following:

I. PROPOSED AGENDA OF MATTERS TO BE DISCUSSED AT SCHEDULING CONFERENCE.

1. Establishment of pretrial schedule, including discovery, motions and case management conference.
2. Settlement / potential use of alternative dispute resolution

II. PROPOSED PRETRIAL SCHEDULE.

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|--|--------------------|
| 1. All Motions under Fed. R. Civ. P. 12 filed | July 19, 2005 |
| 2. Deadline for service of <u>first</u> requests for production of documents and tangible things pursuant to Fed. R. Civ. P. 34 and interrogatories pursuant to Fed. R. Civ. P. 33 | July 29, 2005 |
| 3. Deadline for service of responses to <u>first</u> requests for production of documents and tangible things pursuant to Fed. R. Civ. P. 34 and interrogatories pursuant to Fed. R. | September 15, 2005 |

Civ. P. 33

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|---|---|
| 4. Conference under Rule 37.1 (if necessary) | September 30, 2005 at 10:00 a.m. |
| 5. Deadlines for filing motions to compel discovery concerning first written discovery requests | October 15, 2005 |
| 6. All Motions under Fed. R. Civ. P. 19 and 20 filed | December 1, 2005 |
| 7. Settlement conference with the Court and principals for all parties | December, 2005 |
| 8. Completion of party and fact witness depositions | January 31, 2006 |
| 9. Deadline for plaintiff's expert disclosures | February 28, 2006 |
| 10. Deadline for defendants' expert disclosures | March 31, 2006 |
| 11. Completion of trial expert depositions | April 30, 2006 |
| 12. Deadline to file any discovery motions | May 15, 2006 |
| 13. Deadline to file summary judgment motions | June 30, 2006 |
| 14. Oppositions to summary judgment motions due | July 30, 2006 |
| 15. Replies to oppositions to summary judgment motions due | August 15, 2006 |
| 16. Final supplementation of discovery responses and disclosures | Ten days before final pre-trial conference |
| 17. Final pre-trial conference | 45 days after decision on motions for summary judgment. |
| 18. Trial | To be scheduled by the Court |

The parties currently believe that they will be able to conduct the above-specified discovery and motion practice within the time periods set forth above, but the parties reserve the right to request a modification to the scheduling order by motion or joint motion.

III. TRIAL BY MAGISTRATE

Well-Com consents to trial by magistrate judge.

Honeywell does not consent to trial by magistrate judge.

IV. CERTIFICATIONS

The parties' certifications pursuant to Local Rule 16.1(D)(3), are attached hereto.

WELL-COM ASSOCIATES, L.P.

By their attorneys,

HONEYWELL INTERNATIONAL, INC.

By its attorneys,

/s/ A. Neil Hartzell

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